

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunication Relay)	
Services and Speech-to-Speech)	CC Docket No. 98-67
Services for Individuals with)	
Hearing and Speech Disabilities)	
)	
)	CG Docket No. 03-123
American With Disabilities Act)	
of 1990)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. (“AWS”) hereby submits its comments on the Notice of Proposed Rulemaking issued in the above-captioned proceeding.¹ In particular, AWS responds to the Commission’s questions about whether TRS facilities should be required to route wireless emergency calls made with a TTY device to the same public safety answering point (“PSAP”) that would have received the call if 911 had been dialed instead of 711 or another TRS access number.² AWS urges the Commission not to adopt such a mandate. Not only would it raise massive implementation difficulties for both wireless carriers and TRS providers, it is wholly unnecessary to ensure that individuals with hearing or speech disabilities receive “functionally equivalent” emergency calling services.

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Americans With Disabilities Act of 1990*, CC Docket No. 98-67; CG Docket No. 03-123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, FCC 03-112 (rel. June 17, 2003) (“*NPRM*” or “*Order*”).

² *NPRM* ¶¶ 108-109.

In 1996, the Commission initiated a comprehensive overhaul of the Nation's emergency calling systems to assist PSAPs in locating callers that use mobile handsets to dial 911.³ Wireless carriers and PSAPs continue to upgrade their facilities today and, although significant obstacles remain, a fully enhanced 911 (or E911) system is currently being deployed across the United States. Persons with speech and hearing disabilities have not been left behind. To the contrary, as the Department of Justice's Fact Sheet on TTY Access to Emergency Centers ("DOJ Fact Sheet") makes clear, the Americans with Disabilities Act ("ADA") requires all PSAPs "to provide direct, equal access to their services for people with disabilities who use teletypewriters (TTYs)."⁴ In other words, every PSAP must have TTY equipment and operators trained in TTY use at every call station and must perform a query for all calls, especially silent line calls, to see if they were made via a TTY.⁵

Further, the DOJ has interpreted the "direct access" requirement of the ADA to preclude PSAPs from relying on relay services (TRS facilities) to answer emergency calls from deaf, hard-of-hearing, or speech-impaired callers. As the DOJ explains, PSAPs must be able to receive TTY calls without depending on third-party services because such services are more time consuming than direct-to-PSAP TTY calls.⁶ The Commission similarly acknowledges that "dialing a TRS facility is currently not as effective a means to transmit wireless emergency calls to the appropriate PSAP as a direct call to 911 on a

³ *Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996).

⁴ The DOJ Fact Sheet is available at: <http://www.fcc.gov/cgb/dro/trs/dial7-911.html#911>.

⁵ *Id.*

⁶ *Id.*

wireless telephone.”⁷ On its website, the Commission cautions: “In an emergency, please don't call 7-1-1. Instead, call 9-1-1 directly. 9-1-1 centers have TTYs and are prepared to handle emergencies.”⁸

As the foregoing demonstrates, TTY users have access to functionally equivalent emergency services because, simply by dialing 911, they will be connected to the “appropriate” PSAP, and that PSAP will have trained TTY operators and TTY equipment. And, if Phase I or Phase II E911 service has been implemented in the area, the TTY user’s telephone number/location information will be delivered to the PSAP, just as occurs for all other callers. While TTY users may voluntarily choose to “dial around” to TRS facilities in emergency situations, like any other caller that accesses a PSAP via a third party or a telephone number other than 911, location and call-back information will not be delivered and correct routing cannot be assured.

Notwithstanding that Congress and the Commission have ensured equal and *direct* access to emergency calling services by persons with hearing or speech disabilities, the Commission asks whether it should require wireless carriers and TRS providers to ensure the same level of service when a customer calls a PSAP *indirectly*. Such a policy should not be adopted. Not only, as discussed above, is it wholly unnecessary, but the extensive technical and economic obstacles associated with implementing what amounts to an “enhanced 711” system would far outweigh any incremental benefit that could be achieved. Indeed, as the Commission is well aware, the implementation of wireless E911 remains an enormous undertaking today, and the multiple stakeholders (wireless carriers, PSAPs, LECs, and location and database vendors, to name a few) do not have resources

⁷ *NPRM* at n.166.

available to reproduce that nascent system when a caller dials 711 or another TRS access number.

The Commission should not underestimate the level of complexity that would accompany a requirement that wireless carriers “transmit Phase I or Phase II E911 information to TRS facilities” or that TRS facilities “implement the requirements associated with such systems” and potentially “forward Phase I or Phase II E911 location information to the appropriate PSAP in addition to routing the call.”⁹ While it might be possible for wireless providers to send a location information “key” to TRS facilities that are equipped with SS7 (which, as the *Order* makes clear, are very few), SS7-enabled TRS providers could use that key only if they obtained and deployed the technology necessary to query the carrier’s mobile positioning center database. Determining the caller’s location, moreover, is only the first part of the process – TRS providers would still have to establish direct trunking to the LEC Selective Router to send call to the appropriate PSAP.¹⁰

Even if these technological transformations were feasible, moreover, there remain a number of thorny issues that require serious consideration before such a system could be fully implemented. For example, because a wireless carrier would have no way of knowing whether a particular call to 711 or another TRS access number actually involved

⁸ See <http://www.fcc.gov/cgb/dro/trs/dial7-911.html#911>.

⁹ *NPRM* ¶ 109.

¹⁰ There are likely additional ways to ensure proper routing of 711 emergency calls, such as redirecting the calls from the TRS facilities back to the wireless carrier, which would then complete the call as a 911 call. As with forwarding Phase I and Phase II information, however, the technology capable of accomplishing this redirection is not present in either the TRS facilities or wireless switches today, and deploying it would be very complicated and costly. In addition, all TRS facilities would have to interconnect directly with all wireless carrier switches (not through the LEC, as they currently do), which would be prohibitively expensive.

an emergency (and, given the PSAP TTY requirement under the ADA, it is likely that only a small percentage would be emergencies), Phase I or Phase II information would have to be delivered with *every* call to a TRS facility. This arguably would violate the Commission's customer proprietary network information ("CPNI") rules,¹¹ and could delay call set-up and routing.¹² Nor have any mechanisms been established to ensure funding for TRS facility upgrades or to determine the criteria for requiring wireless carriers to begin deploying the technology in their own networks and sending the location information.¹³

AWS has no dispute with the Commission's conclusion that it is in the public interest for TTY users to receive functionally equivalent emergency calling services.¹⁴ Given the ability of TTY users to call PSAPs directly, however, there is no support for the Commission's premise that functional equivalency is achieved only if TRS facilities can route emergency calls to the same PSAP that would have been reached via 911. Even for non-TTY calls, location information is generated and delivered *only* if 911 is

¹¹ See 47 U.S.C. § 222(d)(4) (providing an exception to 47 U.S.C. § 222(c)(1)'s general prohibition on the disclosure of location information except to PSAPs and other emergency agencies in response to the user's call for assistance).

¹² All calls placed to 911 are considered emergency calls and, to the extent Phase I or Phase II E911 service has been implemented in the area, the PSAP automatically performs the database query and the caller's location information is delivered to the PSAP and displayed on the operator's screen. By contrast, a TRS calling assistant would have to establish whether a call is an emergency call (through a discussion with the caller) before querying the carrier's location database and then routing the call to the appropriate PSAP through the LEC Selective Router. It likely would take less time in this type of "minutes-count" situation for the TRS assistant simply to encourage the TTY caller to hang up and dial 911 directly.

¹³ Many local and state governments have enacted laws to ensure that PSAPs have adequate funding to upgrade their facilities for E911 purposes, and the Commission prohibits PSAPs from requesting Phase I or Phase II service from a wireless carrier until they have the technical means to receive and utilize the information and a cost recovery mechanism is in place. No rules or statutes are in place to ensure funding for TRS "E711" upgrades.

¹⁴ Order ¶ 46.

dialed. Although additional customer education might be justified to alert TTY users to the need to dial 911 instead of 711 in emergencies, the significant cost to carriers, TRS providers, and society associated with attempting to ensure that emergency calls made to TRS facilities are routed in the same manner as 911 calls simply is not warranted.

CONCLUSION

For the foregoing reasons, AWS urges the Commission not to adopt its proposals to require the delivery of location information to TRS facilities when emergency calls are made by calling 711 or another TRS access number instead of 911.

Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

Howard J. Symons
Sara F. Leibman
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
(202) 434-7300

Of Counsel

/s/ Douglas I. Brandon

Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
(202) 223-9222

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September, 2003, I caused to be served a copy of the foregoing Comments of AT&T Wireless Services, Inc. upon the following:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

John Muleta
Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

K. Dane Snowden
Chief
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Blaise Scinto
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

/s/ Bryan Bookhard
Bryan Bookhard